

## The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JOHN R. BUND II, personally, as Executor of the ) NO. 2:16-cv-00920-MJP  
Estate of Richard C. Bund, deceased, and )  
CRYSTAL HAYNES, a single woman, and on ) STIPULATED MOTION  
behalf of others similarly situated ) REGARDING DISMISSAL OF  
, ) PLAINTIFF CRYSTAL HAYNES  
)  
Plaintiffs, ) NOTE ON MOTION CALENDAR:  
vs. ) February 1, 2018  
)  
SAFEGUARD PROPERTIES, LLC, a Delaware )  
corporation )  
)  
Defendant. )

## I. STIPULATION

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii) the parties stipulate that all claims of Plaintiff Crystal Haynes be dismissed without prejudice from this action.

Fed. R. Civ. P. 41(a)(1)(ii) is subject to the added protections described in Fed. R. Civ. P. 23(e). Fed. R. Civ. P. 41(a)(1)(A). However, pursuant to this Court's Order on Class Certification, Ms. Haynes is not a typical class member and may not serve as a class representative. See e.g. Dkt. # 204 at p. 10–11. Further, the parties agree that Ms. Haynes is not a member of the certified class (*see id.*). Therefore Ms. Haynes' claims do not implicate

1 “[t]he claims, issues, or defenses of a certified class.” Fed. R. Civ. P. 23(e). Therefore, the  
2 parties agree that the added protections described in Fed. R. Civ. P. 23(e) do not apply to this  
3 stipulated dismissal.

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5 Respectfully submitted this 1st day of February, 2018.

6 JEFFERS, DANIELSON, SONN & AYLWARD, P.S.  
7

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23 Attorneys for Plaintiff  
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1 Respectfully submitted this 1st day of February, 2018.  
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5 LEE SMART, P.S., INC.  
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8 By: s/PAMELA J. DEVET  
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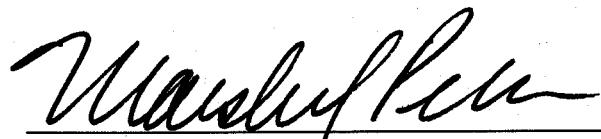
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Attorneys for Defendant Safeguard Properties Management,  
LLC

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2           II. ORDER OF THE COURT  
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5           It is so ordered.  
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7           Dated this 6 day of Feb, 2018.  
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12           The Honorable Marsha J. Pechman  
13           United States District Judge  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on February 1, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System. Notice of this filing will be sent to the parties listed below by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

PAMELA J. DEVET      pjd@leesmart.com  
KELLAN W. BYRNE      kwb@leesmart.com

DATED at Wenatchee, Washington this 1st day of February, 2018.

By: s/CLAY M. GATENS

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